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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,861	05/24/2000	Timothy J. Williams	0325.00339	4837

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EXAMINER

WANG, ALBERT C

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,861

Applicant(s)

WILLIAMS, TIMOTHY J.

Examiner

Albert Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 4, 5, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "said delay value". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said delay value". There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said delay value". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by O'Brien et al., U.S. Patent No. 5,664,205 ("O'Brien").

As per claim 1, O'Brien discloses an apparatus comprising:

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a first circuit configured to wake-up a second circuit in response to an input signal, wherein said input signal comprises a programmable delay value (Fig. 1, PMU 10 wakes-up circuit comprising CPU in response to programming input 59).

As per claims 2 and 3, O'Brien discloses said input signal comprises a user programmable multi-bit signal (Col. 6 lines 45-47, multiple programming input lines).

As per claim 13, generating said input signal in response to a device is inherent in O'Brien.

As per claim 14, since O'Brien discloses the apparatus of claim 1, O'Brien discloses the claimed apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-12, 15, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien as applied to claim 1 above, and further in view of MacDonald, U.S. Patent No. 4,327,328.

As per claim 6, O'Brien does not expressly teach the details of said first circuit.

MacDonald teaches a first circuit (Fig. 1) comprising:

a delay circuit (clock 11 and switch 13) configured to present a first delay signal; and

a select circuit configured to present a second delay signal in response to said first delay signal (comprising divider 12 and select gate 17).

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O'Brien and MacDonald are analogous art because they are from the same problem solving area of timing circuitry. At the time of the invention, it would have been obvious to a person ordinary skill in the art to apply the details as taught by MacDonald to the first circuit in the apparatus of O'Brien. The motivation for doing so would have been to ensure the integrity of the apparatus.

As per claims 7 and 9, it would have been obvious to apply said input signal to configure said select circuit (via terminals 18, 19 and 20).

As per claim 8, MacDonald teaches said programmable delay comprises a multiple of said first delay signal (frequency is divided).

As per claim 10, MacDonald teaches a divider and multiplexer (divider 12 and select gate 17).

As per claim 11, MacDonald teaches a counter (inherent in divider 12).

As per claim 12, MacDonald teaches an enable signal (via terminal 15).

As per claims 15 and 17-20, since O'Brien/MacDonald teaches the apparatus of claims 1-3 and 6-13, the combination teaches the claimed method.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bowman et al., U.S. Patent No. 4,193,539;

Gladden et al., U.S. Patent No. 5,155,451; and

IBM Technical Disclosure Bulletin, Vol. 37 No. 3 pp. 53-56, March 1994,

"Programmable Delay Line".

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert Wang whose telephone number is 703-305-5385. The examiner can normally be reached on M-F (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on 703-305-9717. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

aw
February 7, 2003



EDDIE CHAN
SUPERVISORY PATENT EXAMINER
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